

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

ANGELIA GREEN,

No. C 14-04281 LB

Plaintiff,

v.

**ORDER (1) TO SHOW CAUSE AND
(2) CONTINUING THE CASE
MANAGEMENT CONFERENCE**

CENTRAL MORTGAGE COMPANY,

Defendant.
_____ /

On September 23, 2014, Plaintiff Angelia Green, who is proceeding pro se, filed a complaint against Central Mortgage Company (“Central Mortgage”). (Complaint, ECF No. 1.¹) On September 26, 2014, the court denied her application to proceed *in forma pauperis*, ordered her to pay \$50 toward the filing fee, and did not order the U.S. Marshal to serve Central Mortgage with the complaint and summons. (9/26/2014 Order, ECF No. 5.) Ms. Green finally paid the \$50 fee on January 12, 2015, but she did not serve Central Mortgage.

Federal Rule of Civil Procedure 4(m) provides in part: “If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” 120 days from September 23, 2014 was

¹ Record citations are to documents in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of the documents.

1 January 21, 2015.

2 Ms. Green failed to serve Central Mortgage by the presumptive 120-day deadline, but the court
3 gave her additional time to do so. In its March 13, 2015 order continuing the case management
4 conference, the court ordered Ms. Green to serve Central Mortgage with the complaint and summons
5 by March 31, 2015. The court also ordered her to file proof of such service by April 3, 2015. The
6 court noted that failure to do so may result in dismissal of the case without prejudice for failure to
7 prosecute. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (court may dismiss an
8 action based on a party's failure to prosecute an action); *see also Pagtalunan v. Galaza*, 291 F.3d
9 639, 642 (9th Cir. 2002) (setting forth five non-exhaustive factors for the court to consider).

10 To date, there is no indication on the docket that Ms. Green has served Central Mortgage.
11 Accordingly, the court orders Ms. Green to show cause why this action should not be dismissed
12 without prejudice for her failure to prosecute it. Ms. Green must show cause in writing by Monday,
13 April 27, 2015.

14 In light of this order to show cause, the court continues the case management conference from
15 April 23, 2015 to June 18, 2015 in Courtroom C, 15th Floor, United States District Court, 450
16 Golden Gate Avenue, San Francisco, California 94102.

17 **IT IS SO ORDERED.**

18 Dated: April 17, 2015



19 LAUREL BEELER
20 United States Magistrate Judge
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